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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,123	10/13/2005	Patrick Achenbach		1493

7590
Edward J. Smith
1 River Road, 43-219
Schenectady, NY 12345

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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05/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,123

Applicant(s)

ACHENBACH, PATRICK

Examiner

Stephen Gravini

Art Unit

3749

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Smal (US 5,168,641). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Smal as comprising:

a switch cabinet for a wind turbine **5** as disclosed in column 1 line 43;
at least one circuit element **1** coupled to the switch cabinet; and
a drying arrangement to prevent water deposition onto the at least one circuit element, the drying arrangement including an air flow generating device to generate an air flow in a region of the at least one circuit element to counteract the water deposition onto the at least one circuit element at column 1 lines 15-25 wherein the disclosed heat and air flow will counteract the water deposition onto the at least one circuit element because the teaching of Smal is used in a wet environment and designed such that water deposition is avoided on the electrical and mechanical circuit disclosed. The claims are also construed as being disclosed by Smal including at least one heating device **3** to heat an air in the region of the at least one circuit element.

Claims 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Rickert (US 3,938,348). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Rickert as comprising:

controlling an operational parameter of a wind turbine by at least one circuit element coupled to a switch cabinet at column 3 lines 25-40; and

generating an airflow in the internal space of the switch cabinet using an air flow generating device to counteract a deposition of condensation water onto the at least one circuit element at column 3 lines 41-59. The claims are also construed as being disclosed by Rickert including heating an air in a region of the at least one circuit element at column 4 lines 14-27, separating water from the airflow at a cooling element, the cooling element spaced apart from the at least one circuit element, and draining the condensation water out of the switch cabinet by a drain element at column 3 line 52, and generating the airflow, heating the air, and activating the cooling element depending on temperature or humidity within or outside the switch cabinet at column 4, heating the air by the Peltier element, which is also used as a cooling element at column 3, heating the air by the Peltier element, which is also used as a cooling element at column 4.

Claim Rejections - 35 USC § 103

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smal in view of Roethel (US 1,722,825). Smal discloses the claimed invention as rejected above, except for the claimed cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element. Roethel, another airflow

apparatus discloses a cooling element **28** to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet at page 2 line 15 and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element at page 2 line 15. It would have been obvious to one skilled in the art to provide the teachings of Smal with the cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element for the purpose of efficient moisture free operation of electrical and mechanical equipment in a switching environment

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smal. Smal discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smal in view of Streed (US 3,332,620). Smal discloses the claimed invention as rejected above, except for the claimed humidity circuit element control device. Streed, another wind apparatus, discloses a humidity circuit element control device at column 3

line 10 through column 4 line 66. It would have been obvious to one skilled in the art to provide a humidity circuit element control device for the purpose of efficient moisture free operation of electrical equipment in a switching environment.

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickert. Rickert discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

Response to Arguments

Applicant's arguments with respect to claims 13-28 have been considered but are not persuasive.

Smal anticipation

Applicant argues that the claims are allowable over prior art reference Smal because the claimed "switch cabinet for a wind turbine" and "air flow generating device to generate air flow in a region of the at least one circuit element" is not found in that reference. In this application the claimed "for a wind turbine" and "to generate an air flow in a region of that at least one circuit element" are construed to be statements of intended use. Those features can be performed by Smal. Reciting the claimed invention as a "wind turbine switch cabinet" and an "air flow device generating air flow in region of the at least one circuit element" would overcome the teachings of Smal and place the application in better condition for allowance. To those skilled in the art, a

blower, fan, and turbine are all patentably interchangeable such that each could be used so Smal would anticipate the claimed invention.

Rickert anticipation

Applicant argues that the claims are allowable over prior art reference Rickert because the claimed steps of "controlling and operation parameter of a wind turbine by at least one circuit element coupled to a switch cabinet" and "generating air flow in the internal space of the switch cabinet using an air flow generating device to counter act a deposition of condensation water onto the at least one circuit element" is not found in that reference. In this application the claimed "operational parameter" is construed to be any change in properties of a wind turbine (i.e. air moving device). Rickert changes an operational parameter such as climate to cool or dehumidify. The rejection cites electric motor powered fans which is another operational parameter.

Also to those skilled in the art, air flow generated by a device to counteract water condensation is merely a process that would use an air moving method to remove moist air which would condense if not for the air moving method. Rickert moves air to remove moist air that would result in a deposition of condensation onto at least one circuit element. It is further construed that the claimed feature "to counter act a deposition of condensation water onto the at least one circuit element" is a statement of intended use and desired result because the teachings of Rickert would achieve this result regardless of the "at least on circuit element" is expressly disclosed. Since Rickert is in the same field of endeavor, it is inherent that the teachings of that reference would achieve the

intended use and desired result of the claimed invention, because it would necessarily follow that Rickert would remove condensation for at least one circuit element.

obviousness rejections

Applicant argues that because the anticipatory rejections should be withdrawn, so should the obviousness rejections. The anticipatory rejections are believed proper such that the obviousness rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on 571 272 6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3749